

Memorandum

To: ALL CONSTRUCTION SENIORS and ABOVE
ALL RESIDENT ENGINEERS

Date: September 20, 2000

File: Construction Program
Directive CPD 00-8.1

From: **DEPARTMENT OF TRANSPORTATION**
Construction Program
Mail Station 44

Subject: Addendum, Aerially Deposited Lead (ADL) Variance

This updates our June 29, 2000, Construction Program Directive (CPD 00-8) pertaining to the anticipated lead variance being issued by the Department of Toxic Substances Control. A matrix is attached summarizing the actions required on a project depending on waste classification.

Basically, California Regulations governing the disposal of soils containing ADL require the following:

- a. Soils containing >5 mg/kg water soluble lead are considered to be hazardous waste and must be disposed of at a Class 1 disposal facility.
- b. Soils containing >1,000 mg/kg total lead are considered to be hazardous waste and must be disposed of at a Class 1 disposal facility.
- c. Soils containing <5mg/kg soluble lead and >350 mg/kg, but < 1000 mg/kg total lead are not considered to be a hazardous waste. However, such soils must still be disposed of at a Class 1 facility. However, these soils do not have to be transported by a registered hauler or manifested as hazardous waste.
- d. Soils containing < 5mg/kg soluble lead and <350 mg/kg total lead are not hazardous waste and do not require special disposal requirements under California regulations.

The old variance to ADL regulations expired in June 2000 except in District 6 where it will continue until the new variance is signed. The old ADL Variance will continue to apply to projects that had received coverage.

Department of Toxic Substance Control's (DTSC) rules governing the new variance for disposal of soils containing ADL are anticipated to contain the following provisions:

- a. The new ADL Variance will not apply to Caltrans Districts 1, 2, 3, 5 and 9. The old variance will apply to all projects that applied for coverage prior to its expiration.

- b. The new variance will allow the use on site of soil containing ADL when the soluble lead is >5 mg/kg and if the total lead is <350 mg/kg.
- c. The new ADL Variance requires five days prior notice to DTSC that the variance is being invoked for on-site use; however, the Regional Water Quality Control Boards may require a 30-day notification period.
- d. Projects with ADL advertised after the expiration of the old variance, have draft standard special provisions which meet the new variance requirements.
- e. The new variance will be available some time after the public comment period, which ended on August 27, 2000.

The following options are available for all advertised and awarded projects with ADL that are not covered by the old variance and prior to the approval of the new variance. Projects in Districts 1, 2, 3, 5 and 9 that are found to have regulated levels of ADL must follow option "d" below.

- a. Wait for the new variance to be approved and then apply for coverage.
- b. Exclude ADL contaminated areas from work until covered by the new variance.
- c. Stockpile the material contaminated with ADL, sample for lead, then dispose of as appropriate.
- d. Haul all material contaminated with ADL to a Class 1 hazardous waste facility.

If you have additional questions about ADL, these should be brought to the attention of Roger Cook at CALNET 464-2735 or (916) 654-2735.



ROBERT PIEPLOW

Acting Program Manager
Construction

Attachment

- c: Steve Borroum; Bob Giess; Julia Turney-Environmental Program
JDobrowski; Construction Coordinators; Jerry Marcotte-Construction Program, Bob Buckley-
Design and Local Program.